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JAN 14 2005

In re Application of  
Keith Antonio Dixon  
Application No. 10/801,500  
Filed: March 15, 2004  
Attorney Docket No. 77137

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the "Petition For Review of Omitted Items...", filed December 20, 2004, requesting in effect, that the "Notice To File Missing Parts" mailed October 22, 2004, in the above-identified application be withdrawn and that the above-identified application, including Page 1 of the specification, be accorded a filing date of March 15, 2004. The petition is treated under 37 CFR 1.182.

The petition is **GRANTED**.

The application was filed on March 15, 2004. However, on October 15, 2004, the Office of Initial Patent Examination mailed a "Notice To File Missing Parts in a Nonprovisional Application," stating that the application had been accorded a filing date; however, Page 1 of the specification appeared to have been omitted.

Petitioner argues that Page 1 was filed with the other application papers on March 15, 2004, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of March 15, 2004, displaying the above-identified application number and acknowledges receipt of, *inter alia*, 14 pages of specification

A review of the record reveals that no Page 1 of the specification has been located among the application papers deposited on March 15, 2004. However, the evidence is convincing that the application papers deposited on March 15, 2004, included Page 1 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 1 of the specification, is entitled to a filing date of March 15, 2004.

The "Notice" mailed on October 22, 2004, is vacated.

In view of the above, the petition fee will be refunded to deposit account, No. 06-1135.

The application will be processed and examined using the copy of Page 1 supplied on December 20, 2004.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 15, 2004, using the application papers filed on March 15, 2004 and the copy of Page 1 of the specification supplied on December 20, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney in the Office of Petitions at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions